



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

AUG 22 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Occidental Chemical Corporation  
Occidental Tower  
5005 LBJ Freeway, Suite 1350  
Dallas, TX 75244

Attention: Frank Parigi, Esq.  
Vice President and General Counsel  
Glenn Springs Holdings, Inc.

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area Removal  
Administrative Order on Consent, Index No. CERCLA 02-2008-2020  
**Bill for Collection No. 2721626S0041**

Dear Mr. Parigi:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9601, *et seq.* EPA has documented the release or threat of release of hazardous substances into the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site. In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the site pursuant to Section 104 of CERCLA.

On June 23, 2008, EPA entered into an Administrative Order on Consent ("Order"), Index No. CERCLA 02-2008-2020, with Occidental Chemical Corporation ("OCC") and Tierra Solutions, Inc. ("TSI") for the performance of a removal action. Pursuant to Paragraph 51 of this Order, OCC and TSI agreed to reimburse EPA for all Future Response Costs, as defined in the Order, incurred by the EPA in connection with the removal action from the effective date of the Order.

This letter serves as Bill for Collection No. 2721626S0041, covering the period from September 1, 2013 through August 31, 2015.

Enclosure A is a narrative statement describing the Future Response Costs paid during the time period covered by the Bill for Collection. Enclosure B consists of four itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System ("SCORPIO\$") reports, for the Diamond Alkali Site, side identification number 02-96, Operable Unit ("OU") 00 and OU02 Removal. For the purposes of the SCORPIO\$ reports, OU03 represents the expansion of the CERCLA investigation from the six-mile Passaic River Study Area to the seventeen-mile Lower Passaic River Study Area and OU04 represents the Newark Bay Study Area. EPA charges time for the OCC/TSI Removal and OCC/TSI Combined Sewer Overflow/Storm Water Outfall ("CSO/SWO") Sampling to OU02, but only charges for the OCC/TSI Removal are included in the OU02 Removal SCORPIO\$ reports that appear in Enclosure B.

Some personnel charged their time to OU00 to represent time spent on all OUs. Therefore, the OU00 costs have been apportioned among OU01, OU02 (OCC/TSI Removal and OCC/TSI CSO/SWO Sampling), OU03 (Cooperating Parties Group ["CPG"]-lead RI/FS, CPG-lead Removal, and EPA-lead work) and OU04, as described in the enclosure. While all OU00 charges are included in the SCORPIO\$ reports for OU00 that appear in Enclosure B, this Bill for Collection includes only those costs that EPA has apportioned to the OCC/TSI Removal.

EPA certifies that as of August 31, 2015, it has expended at least \$ 304,545.06 in Future Response Costs in connection with the Removal for the Lower Passaic River Study Area.

As per Section XVI of the Order, payment shall be made within thirty (30) days of receipt of this letter via electronic funds transfer ("EFT"). To make this payment, you should instruct your bank to remit payment in the required amount to EPA via EFT accompanied by the following information:

Amount of payment: **\$ 304,545.06**  
EFT to be directed to: **Federal Reserve Bank of New York**  
Bank routing number: **021030004**  
Bank account number receiving payment: **68010727**  
SWIFT address: **FRNYUS33**  
Address: **Federal Reserve Bank of New York**  
**33 Liberty Street**  
**New York, NY 10045**  
Field tag 4200 of Fedwire message to read (for Fedwire payments):  
**D 68010727 Environmental Protection Agency**  
Name of remitter: **Occidental Chemical Corporation and Tierra Solutions, Inc.**  
Case number: **CERCLA 02-2008-2020**  
Site name: **Diamond Alkali Superfund Site, Lower Passaic River Study Area**  
Site/spill identifier: **02-96**

To ensure that your payment is properly recorded, you should send either an e-mail or a letter contemporaneously with the EFT, which references the date of the EFT, the payment amount, the name of the Site, the Site identification number, the case number, and your name and address to:

Elizabeth Butler, Remedial Project Manager  
Emergency & Remedial Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 19<sup>th</sup> floor  
New York, New York 10007-1866  
email: butler.elizabeth@epa.gov

and

Sarah Flanagan, New Jersey Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17th Floor  
New York, New York 10007-1866  
email: flanagan.sarah@epa.gov

and

Elizabeth McGuffey  
U.S. Environmental Protection Agency  
26 W. Martin Luther King Drive  
Attention: FINANCE  
MS: NWD2  
Cincinnati, Ohio 45268  
emails: mcguffey.elizabeth@epa.gov and cinwd\_acctsreceivable@epa.gov

The United States reserves its rights to recover any costs paid during the time period covered by this accounting but not included in this billing, and all other oversight and response costs incurred pursuant to the Administrative Order on Consent.

EPA reaffirms its commitment to conduct appropriate and cost-effective oversight of work performed by consenting parties while ensuring protective cleanups. To this end, EPA is prepared to discuss its plans for the oversight of ongoing work at the Site, and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Elizabeth Butler at (212) 637-4396. Legal inquiries should be directed to Ms. Flanagan at (212) 637-3136. Thank you for your prompt attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael Sivak". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Sivak, Acting Branch Chief  
Special Projects Branch  
Emergency & Remedial Response Division

Enclosures

cc: Dave Rabbe  
Director, Environmental Remediation  
Tierra Solutions, Inc.  
Two Tower Center Boulevard, Floor 10  
East Brunswick, New Jersey 08816

and: Brian Mikucki  
Tierra Solutions, Inc.

## ENCLOSURE A

Summary of Costs Paid by EPA  
09/01/13 through 08/31/15  
Diamond Alkali Superfund Site, Newark, New Jersey  
Operable Unit Two – Lower Passaic River Study Area  
Removal  
Site ID: 02-96

### **COSTS FROM OU02 REMOVAL SCORPIO\$ REPORTS**

Payroll from OU02 Removal SCORPIO\$ Reports (09/01/13 through 08/31/14 and 09/01/14 through 08/31/15):

These costs consist of direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent, Index No. CERCLA 02-2008-2020 (“AOC”), including review of TSI technical submissions, meetings and/or conferring with TSI representatives, internal meetings and conferences concerning the Removal, community relations/outreach and coordination with Partner Agencies. See enclosed Payroll Costs Sections of EPA’s Itemized Cost Summaries.

[\$2,088.97 + \$22,136.42] \$ 24,225.39

Other Expenditures from OU02 Removal SCORPIO\$ Report (09/01/13 through 08/31/14):

These costs consist of charges for contractor support for file storage and maintenance by Ensofttek. See enclosed Contract Costs Section of EPA’s Itemized Cost Summary.

\$ 24,991.12

Other Expenditures from OU02 Removal SCORPIO\$ Report (09/01/14 through 08/31/15):

These costs consist of technical support by Lockheed Martin Services for oversight of work performed under this AOC. See enclosed Contract Costs Section of EPA’s Itemized Cost Summary.

\$152,485.17

*Subtotal Direct Costs from OU02 Removal SCORPIO\$ Reports*  
[\$27,080.09 + \$174,621.59]

**\$201,701.68**

Indirect Costs from OU02 Removal SCORPIO\$ Reports (09/01/13 through 08/31/14 and 09/01/14 through 08/31/15):

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of site cleanup efforts, but which cannot be tied directly to the efforts at any one site. Indirect costs are allocated to particular Superfund sites by means of a methodology established by the EPA Headquarters. See enclosed Indirect Costs Section of EPA's Itemized Cost Summaries.

*Subtotal Indirect Costs from OU02 Removal SCORPIO\$ Reports*  
*[\$10,390.65 + \$85,913.81]*

**\$ 96,304.46**

Total Direct and Indirect Costs from OU02 Removal SCORPIO\$ Reports: **\$298,006.14**

### **COSTS FROM OU00 SCORPIO\$ REPORTS**

Payroll from OU00 SCORPIO\$ Reports (09/01/13 through 08/31/14 and 09/01/14 through 08/31/15):

The OU00 SCORPIO\$ reports include payroll for OU01, OU02 (OCC/TSI Removal and OCC/TSI CSO/SWO Sampling), OU03 (EPA-lead work, CPG-lead Removal and CPG-lead RI/FS) and OU04. Therefore, these costs were divided evenly among the seven components.

$[\$10,003.60 / 7 + \$13,384.24 / 7]$  **\$ 3,341.12**

Other Expenditures from OU00 SCORPIO\$ Reports (09/01/13 through 08/31/14 and 09/01/14 through 08/31/15):

The OU00 SCORPIO\$ reports include charges for contractor support for file storage and maintenance by Ensofttek for OU01, OU02 (OCC/TSI Removal and OCC/TSI CSO/SWO Sampling), OU03 (EPA-lead work, CPG-lead Removal and CPG-lead RI/FS) and OU04. Therefore, these costs were divided evenly among the seven components.

$[\$360.36 / 7 + \$806.36 / 7]$  **\$ 166.67**

Technical and Analytical Support Services from OU00 SCORPIO\$ Report (09/01/14 through 08/31/15):

These costs consist of "SRA International, Inc." charges for contractor support for Community Advisory Group (CAG) facilitation. EPA determined that approximately 1.8 percent of these costs were related to EPA oversight of work performed by OCC/TSI under this AOC.

$[\$54,574.64 * 1.8\%]$  **\$ 982.34**

*Subtotal Direct Costs from OU00 SCORPIO\$ Report apportioned to OU02 Removal*  
*[\$1,480.57 + \$3,009.56]*

**\$ 4,490.13**

Indirect Costs from OU00 SCORPIO\$ Reports (09/01/13 through 08/31/14 and 09/01/14 through 08/31/15):

See description above.

*Subtotal Indirect Costs from OU00 SCORPIO\$ Report apportioned to OU02 Removal*  
*[\$1,480.57 \* 38.37% + \$3,009.56 \* 49.2% = 568.09 + 1480.70]* **\$ 2,048.79**

Total Direct and Indirect Costs from OU00 SCORPIO\$ Reports apportioned to OU02 Removal:  
**\$ 6,538.92**

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<b>OU02 OCC/TSI Removal Bill for Collection Amount</b>		<b>\$298,006.14</b>
	<b>Plus</b>	<b><u>\$ 6,538.92</u></b>
		<b>\$304,545.06</b>

